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REPLY TO: ROCHESTER

May 1, 2024

VIA CM-ECF

Hon. Lawrence J. Vilardo
United States District Judge
United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: *United States v. Gendron*, 22-cr-109, Status of the Discovery Process

Dear Judge Vilardo,

We write to provide a status update regarding the discovery process and our approach to the filing of discovery motions, currently due to be filed tomorrow. The government continues to provide discovery on a rolling basis with the last production roughly two weeks ago on April 17th and a further production anticipated this week.

We have made the enclosed discovery demands of the government and have met with the government to discuss its response to our demands, along with additional disclosures that it anticipates making.¹ Throughout this process, the government has repeatedly emphasized that it will provide us with essentially “open file” discovery. Where the government has not outright agreed to supply us with the material we requested, it has advised us that it is still considering our requests and will advise us of its decision as promptly as possible. Accordingly, the government has not refused to provide us with any material we have requested to date.

For this reason, we have no grounds upon which to file discovery motions tomorrow. Should discovery disputes arise in the future as the discovery process proceeds, we reserve the right to file motions addressing those issues at that time.

The government does not object to our proposed approach.

Respectfully submitted,

¹ The enclosed discovery demands are filed under seal as they identify materials that are currently restricted from dissemination by the Protective Order Governing Discovery at Dkt. 27.

s/Sonya A. Zoghlin

Sonya A. Zoghlin

Assistant Federal Public Defender

s/Anne M. Burger

Anne M. Burger

Supervisory Assistant Federal Public Defender

s/MaryBeth Covert

MaryBeth Covert

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s/Julie Brain

Julie Brain

Attorney at Law

Encl. (under seal)

cc: Brett A. Harvey
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Enclosure Filed Under Seal